IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

**WRIT PETITION NO. 794 OF 2007**

Fransis Calisto D'Souza ... Petitioner

versus

The Municipal Commissioner, Mumbai and another ...

Respondents

Mr. R.J. Rodge, instructed by Mr. R.N. Kachave, for the petitioner.
Ms. A.K. Savla for the respondents.

**CORAM**: **SWATANTER KUMAR, C.J.** &
**DR. D.Y. CHANDRACHUD, J.**

**DATE:** **SEPTEMBER 03, 2007**.

**P.C.**

We heave heard the learned counsel appearing for the petitioner for some time. In our view, different questions of fact need to be examined which the petitioner would have to prove or establish by leading cogent and proper evidence. In the light of this, we are not willing to entertain this writ petition.

2. The learned counsel appearing for the petitioner wishes to

withdraw this writ petition with liberty to file a suit and/or even take such other action as may be permissible to him in accordance with law. Petition is dismissed as withdrawn with liberty as prayed for.

**CHIEF JUSTICE**

**DR. D.Y. CHANDRACHUD, J.**